

## **Permitting & Assistance Branch Staff Report**

Revised Solid Waste Facilities Permit for  
Miramar Greenery Composting Facility  
SWIS No. 37-AB-0003  
May 14, 2014

### **Background Information, Analysis, and Findings:**

This report was developed in response to the City of San Diego, Development Services Department – Solid Waste Local Enforcement Agency’s (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for Miramar Greenery Composting Facility in the City of San Diego, and owned by the United States of America Marine Corps Air Station Miramar, and operated by the City of San Diego. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff’s analysis, findings, and recommendations.

The proposed permit was initially received on April 10, 2014. New proposed permits were received on April 28, 2014 and May 13, 2014. Action must be taken on this permit no later than July 12 2014. If no action is taken by July 12, 2014, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

### **Proposed Changes:**

The following changes are being proposed:

1. Revisions to the following sections of the SWFP: “Findings,” “Prohibitions,” “Documents,” and “LEA Conditions” including rewording, additions and/or deletions for the purpose of updating and/or clarifying; and
2. Submittal of a revised Report of Compost Site Information (RCSI), dated January 2014, to reflect the updates and current operating conditions.

### **Key Issues:**

The SWFP is being revised to allow for longer storage times of the feedstock, and update the RCSI to clarify storage timelines for unprocessed material, emergency procedures for equipment failure, define current operating conditions and reconfigure the facility equipment, traffic pattern, stockpiles and windrows. The current SWFP contains a 96 hour storage time limit for unprocessed green materials. The stipulation was removed from the proposed permit and storage timelines are better defined in the updated RCSI. Only unprocessed dimensional lumber and large logs are proposed to be stockpiled more than 96 hours. There will be no increase in the permitted daily tonnage received, acreage, or changes in the days or hours of operation.

### **Findings:**

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff’s findings are based have

been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated April 9, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on April 2, 2014. The LEA provided a copy to the Department on April 10, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on April 28, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on April 10, 2014, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Non-Disposal Facility Element, as described in their memorandum dated April 23, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on May 13, 2014. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on April 10, 2014, that the proposed permit is consistent with and supported by the existing CEQA documentation. See Environmental Analysis information below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

**Compliance History:**

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on May 13, 2014, and found the facility to be in compliance with applicable state minimum standards and permit conditions.

Below are the details of the facility's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2014 (January- April) – One violation of PRC 44014(b) – Operator Complies With Terms and Conditions
- 2013 – Three violations of PRC 44014(b) – Operator Complies With Terms and Conditions
- 2012 – No violations were noted.
- 2011 – No violations were noted.
- 2010 – One violation of PRC 44014(b) – Operator Complies With Terms and Conditions
- 2009 – No violations were noted

The violations were corrected to the satisfaction of the LEA.

### **Environmental Analysis:**

Under the California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must make a determination as to whether this revised SWFP is categorically or statutorily exempt or additional CEQA analysis is necessary.

The changes in the proposed permit include allowing longer storage time of unprocessed feedstock and updates to the Findings, Prohibitions, Documents and Conditions sections of the permit. There will be no increase in permitted daily tonnage, design capacity, permitted area, and no change in the days or hours of operation.

A Negative Declaration (ND), State Clearinghouse No 2008121119, was circulated by the City of San Diego, Development Services Department, acting as Lead Agency, from December 30, 2008 through January 28, 2009. The ND was certified by the City of San Diego, Development Services Department, on February 24, 2009. The proposed project was for the permitting and expansion of the existing Miramar Greenery by 45 acres, from 29.46 acres to 74.46 acres, increasing peak tonnage from 460 tons per day to 690 tons per day, adding two additional feed stocks, manure and grease, and adding a tub grinder, trammel screen and colorizer.

The LEA has provided a finding that the proposed revised SWFP is consistent with and supported by the existing environmental document.

Department staff conducted a Preliminary Review to determine whether a Categorical Exemption is adequate for the Department's concurrence on this revised SWFP. Department staff made the finding/determination that a Categorical Exemption, 14 CCR Section 15301 – Existing Facilities was adequate for the Department's concurrence of this revised SWFP. Staff's finding is based on the premise that there is "negligible or no expansion of use beyond that existing at the time of the lead agency's determination."

Staff recommends that the Department, acting as a Responsible Agency under CEQA, prepare a Notice of Exemption, based on the Categorical Exemption for existing facilities, to be filed with the State Clearinghouse after the Department's concurrence of the revised SWFP in that the proposed permit is to be issued to an existing facility that will not expand or significantly change its operations beyond that existing. Further, there are no grounds under CEQA for the

Department to prepare an environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP.

Department staff further recommends the Categorical Exemption is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and authority, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the ND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

**Public Comments:**

The project document availability, hearings, and associated meeting were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on March 25, 2014 at the Ridgehaven Auditorium, in the City of San Diego. No members of the public attended the public informational meeting. No written comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on April 15, 2014.